

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Health Services Agency *mt*

BOARD AGENDA # *B-7

Urgent Routine

AGENDA DATE February 12, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing on March 5, 2013 at 9:05 a.m. pursuant to Section 1442.5 of the Health and Safety Code, to Consider Adjustments to the Methodology Used to Establish the Medically Indigent Adult Program Income Limits for the Hardship Eligibility Category

STAFF RECOMMENDATIONS:

Set a Public Hearing pursuant to the Health and Safety Code § 1442.5 on March 5, 2013 at 9:05 a.m. to consider approval to adjust the methodology used to establish the Medically Indigent Adult program's Income Limit for the Hardship Eligibility category from an aggregate limit to limits by age bands as set forth in Table 1, effective April 1, 2013.

FISCAL IMPACT:

The Medically Indigent Adult (MIA) program represents the majority of the Health Services Agency's Indigent Health Care Program budget. The approved budget for Fiscal Year 2012-2013 for the Indigent Health Care Program is \$12,710,288. The MIA program is funded by State Realignment from a portion of vehicle license fees and sales tax, and by a required County match. The approved budget for this fiscal year does not include any funding for the recommended program changes nor does it fully fund the

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2013-65

On motion of Supervisor Monteith, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

FISCAL IMPACT (Continued):

enrollment and utilization growth experienced to date and anticipated during this Fiscal Year, projected at an additional \$4.5 million. If additional budget adjustments are needed, contingency funds for match programs will be needed.

The MIA program is a County obligation under State law and is one of the programs counties are to provide with 1991 Realignment funds. Health realignment funding from the State consists of sales tax and vehicle license fees and requires a County General Fund match which for the MIA program in Stanislaus County is approximately \$2.25 million annually. As a direct result of the unprecedented economic crisis, these State tax revenues have decreased resulting in a corresponding decline in Realignment funding. No offsetting relief on the program mandate has been provided by the State as such relief would require legislation.

While actual costs would be based on the actual number of applicants, the number of those accepted as MIA enrollees and utilization of covered services under the MIA program, by analyzing past experience data, it is estimated that the proposed adjustments would result in minimal financial impact considering the potential of additional cost and offsetting savings.

DISCUSSION:

Under Welfare and Institutions Code Section 17000, the County is required to provide or arrange for the provision of medical care services for the indigent residents of the County. Under the law, the scope of benefits and eligibility guidelines are established at the discretion of each county's Board of Supervisors, although case law has provided more detailed guidance.

On September 1, 2009 the Board of Supervisors conducted a public hearing and approved staff recommendations for policy changes designed to reduce program expenditures and avoid deficit spending as a result of decreased MIA program funding coupled with increased enrollment. Those changes were put into effect for new applicants on October 1, 2009 and for existing "enrollees" upon their renewal dates. These changes were more closely aligned with the State's Medi-Cal eligibility guidelines and with many other counties' indigent coverage programs.

On February 1, 2010, the Health Services Agency implemented an administrative policy change regarding collection of copayments and share of cost at the time of service. Although staff continues to request collection, if the patient is not able or refuses to pay at the time of service, care is still provided.

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On March 30, 2010, the Stanislaus County Board of Supervisors approved a staff recommendation to reinstate the income standards and cost sharing policies which had been in effect prior to the September 1, 2009 approved change and directed staff to further review the eligibility standards.

In the fall of 2010, a Cost of Living Study was undertaken by Health Services Agency staff. Based on the outcome of that work, staff developed income limit changes for consideration, consistent with case law. After review of the results of the Cost of Living Study compared with two self-sufficiency studies, staff determined that a review of the validity of the internally prepared Cost of Living Study by an independent third party was merited before making a recommendation to the Board of Supervisors. The County engaged HFS Consultants, who commenced the validation in December of 2010.

On April 5, 2011, a public hearing was conducted to consider changes to the Medically Indigent Adult Program Income Limits for Eligibility based on the results of the cost of living study. At the April 5, 2011 Board of Supervisors meeting, the Health Services Agency recommended and the Board approved the following changes: (1) establishment of the income limit for standard eligibility with zero patient cost sharing at 116% of the Federal Poverty Level, effective May 1, 2011; and (2) establishment of a Hardship Eligibility category which provides for patient share of cost requirements for applicants with income between 117% to 223% of the Federal Poverty Level, effective May 1, 2011. The upper limit of the Hardship Eligibility category was based on research performed by staff to determine the cost for individuals to purchase a commercial policy for health insurance as well as the cost of health coverage offered to the uninsured by the State of California. Based on that research, \$811 per month was determined to be the available purchase price of health insurance coverage under the coverage offered by the State of California at that time under the Major Risk Medical Insurance Program (MRMIP). At the hearing staff also advised the Board of Supervisors that the State-administered Pre-existing Condition Insurance Program ("PCIP") would have provided health care insurance at a price lower than MRMIP.

Historically and particularly in the current environment of federal and State changes impacting healthcare and health insurance, the Agency has continued to analyze the MIA program's standards. With regard to the ability to pay for health insurance, staff has determined that the purchase of health insurance for persons between the ages of 50 to 64 may not be available from the State of California for \$811 per month from MRMIP, while it is available for less than the \$811 per month allowance for those in some younger age bands. PCIP health insurance coverage can be purchased by eligible persons in all age bands for less than \$811, but staff continue to recommend that the conservative approach of using the higher MRMIP rates be employed in determining the County's Hardship Eligibility Income Limit. Hence, the Health Services Agency is recommending adjusting the County's Hardship Eligibility Income Limit to an

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age-banded methodology using MRMIP rates for Calendar Year 2013 to update and provide a more direct correlation between age categories and income eligibility for our community's medically indigent population.

Recommended Age-Banded Formula for Hardship Eligibility

Table 1 is the Cost of Living Study Worksheet. Figures shown for the Subsistence Level of Eligibility (shaded area) up to 116% of the Federal Poverty Level, are included only for reference as this is the existing policy, and no changes are recommended. The lower section of Table 1 labeled "Income Value for Hardship Eligibility/Share of Cost" reflects the recommended policy changes with respect to varying the Hardship exception based on the eight age band categories used by MRMIP.

Table 1

Subsistence Level Costs and Credits	Income Level	Income Level	Income Level	Income Level	Income Level	Income Level	Income Level	Income Level
Age Categories	21 - 29	30 - 34	35 - 39	40 - 44	45 - 49	50 - 54	55 - 59	60 - 64
Housing	510.00	510.00	510.00	510.00	510.00	510.00	510.00	510.00
Phone - Lifeline Rate	7.67	7.67	7.67	7.67	7.67	7.67	7.67	7.67
Electricity/Gas	33.45	33.45	33.45	33.45	33.45	33.45	33.45	33.45
Food	195.74	195.74	195.74	195.74	195.74	195.74	195.74	195.74
Transportation	125.57	125.57	125.57	125.57	125.57	125.57	125.57	125.57
Miscellaneous	87.24	87.24	87.24	87.24	87.24	87.24	87.24	87.24
Sales Tax	7.31	7.31	7.31	7.31	7.31	7.31	7.31	7.31
Social Security	79.69	79.69	79.69	79.69	79.69	79.69	79.69	79.69
Total Subsistence Level Costs * (Standard Eligibility)	1,046.67	1,046.67	1,046.67	1,046.67	1,046.67	1,046.67	1,046.67	1,046.67
(Total w/ FPL adjustments in 2011, 2012 & 2013)	1,110.70	1,110.70	1,110.70	1,110.70	1,110.70	1,110.70	1,110.70	1,110.70
Stated as a % of 2013 Federal Poverty Limit (100% of FPL = \$957.50/month)	116%	116%	116%	116%	116%	116%	116%	116%
Income Value for Hardship Eligibility with Share of Cost								
Health Insurance Premium	433.16	598.81	682.58	670.37	643.01	822.40	988.00	1,246.40
Other Income Allowance Adjustment	93.41	151.37	171.88	168.81	162.39	207.49	249.19	313.99
Income Required with Purchase of Health Insurance	526.57	750.18	854.46	839.18	805.40	1,029.89	1,237.19	1,560.39
Total Subsistence Level + Hardship Level Income	1,637.27	1,860.88	1,965.16	1,949.88	1,916.10	2,140.59	2,347.89	2,671.09
(Income Limit for Hardship Eligibility)								
Stated as a % of 2013 FPL (100% of FPL = \$957.50/mo.)	171%	194%	205%	204%	200%	224%	245%	279%

* Subsistence Level based on Cost of Living Study in 2010/2011. Annual federal adjustment to FPL effective April 1.

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Page 5

While actual costs would be based on the actual number of applicants, the number of those accepted as MIA enrollees and utilization of covered services under the MIA program, by analyzing past experience data, it is estimated that the proposed adjustments would result in minimal financial impact considering the potential of additional cost and offsetting savings.

Staff will continue to monitor the program and recommend policy changes as appropriate, and as State and federal healthcare programs continue to evolve.

Public Hearing

Under the Health and Safety Code Section 1442.5, a public hearing is required in the event the Board of Supervisors considers a reduction or elimination of a healthcare service. While no changes would be made to healthcare services as a result of the policy recommendation, access to services through MIA eligibility could be reduced for some (while increased for others). Consistent with the advance notice requirement as prescribed under the referenced code, notices would be posted which include the estimated number of individuals who could be adversely impacted as 82, and the corresponding estimated annual savings (without considering offsetting expense increases for those who would benefit) of approximately \$135,000. Should this recommendation to set a public hearing date and time be approved, staff would proceed with the tasks to meet the advance notice requirements.

POLICY ISSUE:

Approval of this item supports the Board of Supervisors' priorities of A Healthy Community and Efficient Delivery of Public Services by considering changes which meet the County's mandate under State law while providing for medical needs of the County's medically indigent population.

STAFFING IMPACT:

There is no staffing impact associated with this proposal.

CONTACT NAME:

Mary Ann Lee, Managing Director, 209-558-7163.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to Section 1442.5 of the California Health and Safety Code and other applicable laws, the Board of Supervisors of the County of Stanislaus, State of California, will hold a public hearing regarding the reduction or elimination of certain health and medical services provided by the County. The public hearing will commence on **March 5, 2013 at 9:05 a.m. in the Board Chambers, 1010 10th Street, Modesto, California**, at which time and place all interested persons may appear and be heard. The hearing shall be in accordance with the provisions of Health and Safety Code Section 1442.5.

Those services that are proposed for reduction or elimination are listed on the continuation of this notice on pages following. At any time prior to the time fixed for the hearing, any interested person may file written comments on the proposed action with the Clerk of the Board of Supervisors of the County of Stanislaus. Both oral and written comments will be considered by the Board of Supervisors at the time and place fixed for hearing.

Additional information regarding this hearing may be obtained by contacting the Stanislaus County Health Services Agency at (209) 558-7163, or by writing:

Stanislaus County Health Services Agency
Attention: Administration
P.O. Box 3271
Modesto, CA 95353

THIS NOTICE shall be posted at the entrance to all County health care facilities.

Date: February 13, 2013

Please remove this notice after March 5, 2013, as instructed.



PROPOSED SERVICE LEVEL REDUCTION

Reductions in the level of services that provide medical care to indigent persons are subject to prescribed formal Public Notice and Public Hearings (Health and Safety Code Section 1442.5). The annual impact of these changes could be a range of savings of approximately \$135,000 per year to additional cost of approximately \$194,000. This Notice contains the proposed reduction and number of persons affected.

Description of Reduction or Elimination	Number of Persons estimated to be impacted if the recommendation is approved.												
<p>The proposed recommendations would change the Medically Indigent Adult (MIA) Program Hardship Eligibility Income Limit from 223% of the Federal Poverty Guidelines (FPG) to an age-banded methodology as indicated below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Ages Categories</th> <th style="text-align: center;">FPG</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Age 21 – 29</td> <td style="text-align: center;">171%</td> </tr> <tr> <td style="text-align: center;">Age 30 – 34</td> <td style="text-align: center;">194%</td> </tr> <tr> <td style="text-align: center;">Age 35 – 39</td> <td style="text-align: center;">205%</td> </tr> <tr> <td style="text-align: center;">Age 40 – 44</td> <td style="text-align: center;">204%</td> </tr> <tr> <td style="text-align: center;">Age 45 – 49</td> <td style="text-align: center;">200%</td> </tr> </tbody> </table>	Ages Categories	FPG	Age 21 – 29	171%	Age 30 – 34	194%	Age 35 – 39	205%	Age 40 – 44	204%	Age 45 – 49	200%	82
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Date: February 13, 2013



AVISO DE AUDIENCIA PÚBLICA

POR EL PRESENTE AVISO el Consejo Directivo del Condado de Stanislaus, Estado de California, llevará a cabo una audiencia pública referente a un cambio en los estándares de elegibilidad que puede resultar en la reducción o eliminación de ciertos servicios médicos y de salud proporcionados por el Condado a ciertos individuos conforme a la Sección 1442.5 del Código de Salud y Seguridad de California y otras leyes que aplican. La audiencia pública está programada para comenzar **el 5 de Marzo de 2013 a las 9:05 a.m. en la Sala de Juntas, 1010 10th Street, Modesto, California**, en la cual todas las personas interesadas pueden comparecer y ser escuchadas a esa hora y lugar. La audiencia debe estar en acuerdo con las disposiciones de la Sección 1442.5 del Código de Salud y Seguridad.

Aquellos cambios que puedan resultar en menos servicios o acceso para esos individuos que se han propuestos para una reducción o eliminación están a continuación de este aviso en una lista en la siguiente página. Cualquier persona interesada puede presentar sus comentarios por escrito a cualquier hora antes de la fecha fijada para la audiencia con un empleado de la Junta de Supervisores del Condado de Stanislaus. Los comentarios orales y escritos serán considerados por el Consejo Directivo a la hora y lugar fijado para la audiencia.

Información adicional referente a esta audiencia puede ser obtenida llamando al Condado de Stanislaus, Health Services Agency al (209) 558-7163 o escribiendo a:

Stanislaus County Health Services Agency
Atención: Administración
P.O. Box 3271
Modesto, CA 95353

ESTE AVISO debe ponerse a la entrada de todas las clínicas del Condado.

Fecha: 13 de Febrero, 2013

Favor de quitar este aviso después del 5 de Marzo, 2013.



NIVEL DE REDUCCION DE SERVICIOS PROPUESTOS

Las reducciones de acceso a cuidado médico para personas indigentes están sujetas a Avisos Públicos y Audiencias Públicas (Sección 1442.5 del Código de Salud y Seguridad). El impacto anual de estos cambios puede resultar en ahorros aproximado de \$135,000 por año hasta un costo adicional aproximado de \$194,000. Este aviso contiene la reducción y estimación de número de personas que pudieran ser afectadas.

Descripción de Reducción o Eliminación	Estimación de número de personas que serán impactadas si la recomendación es aprobada												
<p>Las recomendaciones propuestas pudieran cambiar el límite de ingreso de Elegibilidad del Programa de Salud para Adultos Indigentes (MIA) del 223% de las reglas del Nivel Federal de Pobreza (FPG) a una metodología dependiendo de la edad como se indica abajo:</p>	82												
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Fecha: 13 Febrero, 2013

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, pursuant to Section 1442.5 of the California Health and Safety Code and other applicable laws, the Board of Supervisors of the County of Stanislaus, State of California, will hold a public hearing regarding a change in eligibility standards that may result in the reduction or elimination of certain health and medical services provided by the County to certain individuals. The public hearing will commence on Tuesday, March 5, 2013, at 9:05 a.m., or as soon thereafter as the matter may be heard, in the Board Chambers, 1010 10th Street, Modesto, California, at which time and place all interested persons may appear and be heard.

ADDITIONAL NOTICE IS GIVEN that the annual impact of the changes in eligibility standards could be a range of savings up to approximately \$135,000 per year to an additional cost of \$194,000 per year. Those changes which may result in less services or access to such services that are proposed for reduction or elimination are as follows:

Description of Reduction or Elimination		Number of Persons estimated to be impacted if the recommendation is approved.
The proposed recommendations would change the Medically Indigent Adult (MIA) Program Hardship Eligibility Income Limit from 223% of the Federal Poverty Guidelines (FPG) to an age-banded methodology as indicated below:		Up to 82
Ages Categories	FPG Limit	
Age 21 – 29	171%	
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NOTICE IS FURTHER GIVEN that at any time prior to the time fixed for the hearing, any interested person may file written comments on the proposed action with the Clerk of the Board of Supervisors of the County of Stanislaus. Both oral and written comments will be considered by the Board of Supervisors at the time and place fixed for the hearing. Additional information regarding this hearing may be obtained by contacting the Stanislaus County Health Services Agency at (209) 558-7163., or by writing the Stanislaus County Health Services Agency, Attention: Administration, P.O. Box 3271, Modesto, CA 95353.

DATED: February 12, 2012

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: Elizabeth King, Assistant Clerk of the Board

AVISO DE AUDIENCIA PÚBLICA

POR EL PRESENTE AVISO el Consejo Directivo del Condado de Stanislaus, Estado de California, llevará a cabo una audiencia pública referente a un cambio en los estándares de elegibilidad que puede resultar en la reducción o eliminación de ciertos servicios médicos y de salud proporcionados por el Condado a ciertos individuos conforme a la Sección 1442.5 del Código de Salud y Seguridad de California y otras leyes que aplican. La audiencia pública está programada para comenzar el 5 de Marzo de 2013 a las 9:05 a.m. en la Sala de Juntas, 1010 10th Street, Modesto, California, en la cual todas las personas interesadas pueden comparecer y ser escuchadas a esa hora y lugar. La audiencia debe estar en acuerdo con las disposiciones de la Sección 1442.5 del Código de Salud y Seguridad.

SE DA AVISO ADICIONAL que el impacto anual de estos cambios puede resultar en ahorros aproximados de \$135,000 por año hasta un costo adicional de \$194,000. Aquellos cambios que puedan resultar en menos servicios o acceso para esos servicios que se han propuestos para una reducción o eliminación:

Descripción de la Reducción o Eliminación		Estimación de número de personas que serán impactadas si la recomendación es aprobada
Las recomendaciones propuestas cambiaría el límite de ingreso de Elegibilidad del Programa de Salud para Adultos Indigentes (MIA) del 223% de las reglas del Nivel Federal de Pobreza (FPG) a una metodología dependiendo de la edad como se indica abajo:		82
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Edad 45 – 49	200%	

SE DA MAS AVISO que en cualquier momento antes del tiempo fijado para la audiencia, cualquier persona interesada puede presentar sus comentarios sobre la acción propuesta por escrito con la Secretaria del Consejo de Supervisores del Condado de Stanislaus (Clerk of the Board of Supervisors of the County of Stanislaus). Tanto los comentarios orales y por escrito serán considerados por el Consejo de Supervisores en el lugar y hora fijados para la audiencia. Información adicional sobre esta audiencia puede ser obtenida de la oficina al contactar al Stanislaus County Health Services Agency al (209) 558-7163, o por escrito al Stanislaus County Health Services Agency, Attention: Administration, PO Box 3271, Modesto, CA 95353.

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**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

FEBRUARY 22, 28, 2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

FEBRUARY 28, 2013



(Signature)

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ADDITIONAL NOTICE IS GIVEN that the annual impact of the changes in eligibility standards could be a range of savings up to approximately \$135,000 per year to an additional cost of \$194,000 per year. Those changes which may result in less services or access to such services that are proposed for reduction or elimination are as follows:

Description of Reduction or Elimination	Number of Persons estimated to be impacted if the recommendation is approved.	
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Edad 45 – 49	200%	

SE DA MAS AVISO que en cualquier momento antes del tiempo fijado para la audiencia, cualquier persona interesada puede presentar sus comentarios sobre la acción propuesta por escrito con la Secretaria del Consejo de Supervisores del Condado de Stanislaus (Clerk of the Board of Supervisors of the County of Stanislaus). Tanto los comentarios orales y por escrito serán considerados por el Consejo de Supervisores en el lugar y hora fijados para la audiencia. Información adicional sobre esta audiencia puede ser obtenida de la oficina al contactar al Stanislaus County Health Services Agency al (209) 558-7163, o por escrito al Stanislaus County Health Services Agency, Attention: Administration, PO Box 3271, Modesto, CA 95353.

DATED: February 12, 2012

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California

BY: Elizabeth King, Assistant Clerk of the Board